

**IN THE UNITED STATES DISTRICT COURT  
OF THE WESTERN DISTRICT OF OKLAHOMA**

1. JOSE MEJIA LOPEZ,

PLAINTIFF,

v.

1. R&R EXPRESS, INC.;

2. EDWARD DANIEL DAVIS; and

3. AMERICAN HALLMARK INSURANCE  
COMPANY,

DEFENDANTS.

Case No: CIV-20-799-R

**DEFENDANT R&R EXPRESS, INC.'S  
NOTICE OF REMOVAL**

Defendant R&R Express, Inc. ("R&R Express"), pursuant to 28 U.S.C. § 1441(a) and (b) and 28 U.S.C. § 1332, files this Notice of Removal in conformity with 28 U.S.C. § 1446.

1. On June 11, 2020, Plaintiff Jose Mejia Lopez filed his Petition against Defendant R&R Express in the District Court of Oklahoma County, Oklahoma. The case number is CJ-2020-2664.

2. Plaintiff's Petition alleges that he suffered damages resulting from a vehicle collision January 3<sup>rd</sup>, 2020. Plaintiff asserts that this collision was the result of negligence on behalf of Defendant Edward Daniel Davis, who was acting under the authority, agency, or employment of R&R Express. Plaintiff further asserted that American Hallmark

Insurance Company may be directly named as a party, presumably pursuant to 47 O.S. §§ 169 or 230.30.

3. Plaintiff's Petition seeks damages "in excess of \$76,001.00." Plaintiff's pled damages are in excess of the minimum required for a federal court to exercise diversity jurisdiction.

4. Plaintiff is domiciled in the State of Oklahoma, and is thus a citizen of Oklahoma for diversity purposes.

5. Defendant R&R Express is a Pennsylvania corporation, with its principal place of business in Pennsylvania, and is thus a citizen of Pennsylvania for diversity purposes.

6. Defendant Edward Daniel Davis is domiciled in the State of Iowa, and is thus a citizen of Iowa for diversity purposes.

7. Defendant American Hallmark Insurance Company is an insurance company that is incorporated in Texas, with its principal place of business in Texas, and is thus a citizen of Texas for diversity purposes.

8. Upon information and belief, Defendant R&R Express was served with the Petition and Summons on July 14, 2020.

9. This Court has subject matter jurisdiction under 28 U.S.C. § 1332(a)(1) as there is complete diversity of citizenship and the matter in controversy exceeds the sum or value of \$75,000.00.

10. Defendant Davis consents to the removal of this action.

11. To the best of R&R Express's information and belief, American Hallmark Insurance Company has not been served in this matter.

12. Defendant R&R Express filed its Answer on July 27, 2020.

13. The following is a complete list of the process, pleadings, and motions filed in the State Court action:

- a. Exhibit 1 – Petition;
- b. Exhibit 2 – Defendant R&R Express's Special Reservation of Additional Time to Answer;
- c. Exhibit 3 – Defendant Edward Daniel Davis' Special Reservation of Additional Time to Answer;
- d. Exhibit 4 – Entry of Appearance for Dan S. Folluo and Austin T. Jackson for Defendant R&R Express;
- e. Exhibit 5 – Entry of Appearance for Dan S. Folluo and Austin T. Jackson for Defendant Edward Daniel Davis;
- f. Exhibit 6 – Defendant R&R Express and Edward Daniel Davis' Combined Answer.

14. In addition, Defendant R&R Express has attached the state court docket sheet as Exhibit 7, in accordance with LCvR 81.2(a).

15. Promptly after the filing of this Notice, Defendant R&R Express will file a Notice of Removal to Federal Court, along with a copy of this Notice of Removal, in the District Court of Oklahoma County, Oklahoma. Defendant R&R Express will also provide a copy of this Notice to Plaintiff.

Respectfully submitted,

By /s/ Austin T. Jackson  
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**ATTORNEYS FOR DEFENDANTS**  
**R&R EXPRESS, INC. and**  
**EDWARD DANIEL DAVIS**

**CERTIFICATE OF SERVICE**

I certify that on August 12, 2020, I electronically transmitted the forgoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following to the ECF registrants:

Mark Shores  
Post Office Box 2955  
Oklahoma City, Oklahoma 73101  
*Attorneys for Plaintiff*

/s/ Austin T. Jackson  
DAN S. FOLLUO/AUSTIN T. JACKSON